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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

IN RE: SOCIAL MEDIA ADOLESCENT  
ADDICTION/PERSONAL INJURY  
PRODUCTS LIABILITY LITIGATION

Case No. 4:22-MD-03047-YGR  
MDL No. 3047

This Document Relates to:

16 | ALL CASES

**SD PLAINTIFFS' OPPOSITION TO META'S  
OMNIBUS MOTION TO SEAL  
(PLAINTIFFS' OPPOSITIONS TO RULE 702  
MOTIONS AND EXHIBITS THERETO,  
SCHOOL DISTRICT-SPECIFIC MSJ  
OPPOSITIONS AND EXHIBITS THERETO,  
AND OMNIBUS MSJ OPPOSITION BRIEF)**

1           **I. INTRODUCTION**

2           Meta asks the Court to seal the names of 142 Meta employees, as well as a small number  
 3 of its employees' Facebook and Instagram account names. Meta bears the burden of identifying  
 4 compelling reasons why the Court should seal this material. It has failed to meet that burden.  
 5 Indeed, Meta presents no evidence—other than a passing reference in an attorney declaration—  
 6 proving that these employees are, in fact, "non-executives." Nor does it sufficiently justify why this  
 7 categorization alone (even if true) warrants sealing. Instead, Meta wastes the lion's share of its  
 8 motion relitigating its motion to strike, feigning surprise at press interest in the case, engaging in  
 9 personal attacks on SD Plaintiffs' counsel, and burdening the Court with the parties' emails. The  
 10 Court should disregard that argumentation which, in any event, is baseless.<sup>1</sup>

11          While Meta has not even attempted to provide the Court with information about the  
 12 individuals in question, SD Plaintiffs (by contrast) submit herewith a declaration explaining that  
 13 dozens of these employees were of sufficient importance to this litigation that they were deposed;  
 14 others were deposed in related state AG actions; and still others by their own public admission hold  
 15 meaningful supervisory positions within Meta. These are not low-level employees whose names  
 16 happen to be on documents in passing. Rather, many are in positions of influence engaging in the  
 17 very conduct challenged by this lawsuit. Because Meta's showing is insufficient under controlling  
 18 Ninth Circuit precedent, this Court should deny Meta's motion to seal.

19           **II. ARGUMENT**

20           **A. A Party Seeking to Seal Court Records Must Present Compelling  
 21 Reasons for Doing So.**

22          In adjudicating a motion to seal, the "'relevant factors'" for the Court to consider "include  
 23 the 'public interest in understanding judicial process and whether disclosure of the material could  
 24 result in improper use of the material for scandalous or libelous purposes or infringement upon

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25  
 26          <sup>1</sup> Meta is wrong in claiming that SD Plaintiffs "stonewall[ed]" during the meet and confer process.  
 27 Br. at 5-6. Defendants stipulated that they would send Plaintiffs their proposed redactions by  
 28 December 1. ECF 2451 at 2. Meta alone failed to do so and instead asked for an extension of four  
 business days. ECF 2529-3 at 4. SD Plaintiffs provided their responses to Meta's proposed  
 redactions two business days later—hardly stonewalling. ECF 2529-4 at 2. Had Meta not delayed  
 in the first instance, it would have received SD Plaintiffs' position that much sooner.

1 trade secrets.”” *Pintos v. Pac. Creditors Ass’n*, 605 F.3d 665, 679, n.6 (9th Cir. 2020)  
 2 (quoting *Hagestad v. Tragresser*, 49 F.3d 1430, 1434 (9th Cir. 1995)).

3 Justifying a motion to seal requires hard, specific, particularized work. Because of “the  
 4 historic, ‘strong presumption of access to judicial records,’” a party seeking to seal records in  
 5 support of dispositive motions must have “compelling reasons.” *Open Text S.A. v. Box, Inc.*, 2014  
 6 WL 7368594, at \*1 (N.D. Cal. Dec. 26, 2014) (quoting *Kamakana v. City and County of Honolulu*,  
 7 447 F.3d 1172, 1178–80 (9th Cir. 2006) (citations omitted)). “The ‘compelling reasons’ standard  
 8 is a strict one.” *Id.* at \*2. It “requires that the party seeking to seal material show specific,  
 9 individualized reasons for sealing the material, without relying on hypothesis or conjecture.” *Id.*  
 10 (cleaned up). A party seeking to justify sealing “must explain **with particularity** why any document  
 11 or portion thereof remains sealable under the applicable legal standard.” *FibroGen, Inc. v.*  
 12 *Hangzhou Andao Pharm. Ltd.*, 2023 WL 6237986, at \*3 (N.D. Cal. Sept. 22, 2023) (emphasis  
 13 supplied).

14 What Meta has done here, *see infra*, is precisely what doesn’t satisfy this exacting standard.  
 15 “Broad allegations of harm, unsubstantiated by specific examples or articulated reasoning,” are not  
 16 sufficient. *Beckman Indus., Inc. v. Int’l Ins. Co.*, 966 F.2d 470, 476; *accord Phillips ex rel. Estts.*  
 17 *of Byrd v. Gen. Motors Corp.*, 307 F.3d 1206, 1211 (9th Cir. 2002). Nor is “vague boilerplate  
 18 language or nebulous assertions of potential harm.” *FibroGen, Inc.*, at \*3 (N.D. Cal. Sept. 22,  
 19 2023). Party declarations that fail to provide “any explanation about how the release of the contents  
 20 of this document would harm [the party] in any particular way” are “entirely inadequate.” *Music*  
 21 *Grp. Macao Com. Offshore Ltd. v. Foote*, 2015 WL 3993147, at \*5 (N.D. Cal. June 30, 2015).

22           **B.     Meta Presents No Compelling Reasons for Sealing the Names of Its**  
 23           **Employees Here.**

24 This case is of significant public interest. When a less-redacted version of Plaintiffs’  
 25 omnibus opposition brief was filed (with Defendants’ consent, and according to a stipulated  
 26 schedule, *see* ECF 2451 at 2) it was predictably reported on by a variety of national outlets including  
 27 CNN, Reuters, FOX Business, TIME, NBC, and others. Prominent voices ranging from Senators  
 28 to billionaire businessmen tweeted about the filing. None of this should be surprising: There are

1 over 40 million teenagers in this country, nearly all of them use social media, and questions about  
 2 the consequences of that usage are (rightly) top of mind for parents. Given the national conversation  
 3 about social media's impact on children, the public's interest in disclosure and transparency is  
 4 extraordinarily high. This should—and does—warrant an exacting standard for the sealing of  
 5 information related to dispositive motion filings. *See Open Text S.A.*, 2014 WL 7368594, at \*2.

6       And yet, Meta has provided ***no*** information about the individuals whose names it seeks to  
 7 seal, let alone proffer “compelling reasons” to overcome the strong presumption against doing so.  
 8 Instead, Meta simply asserts that these individuals are “non-executive[s],” but neither defines that  
 9 term nor offers any evidence in support of its claim. *See ECF 2529-1* (Declaration of Ashley  
 10 Simonsen ISO Meta’s Omnibus Motion to Seal) (“Simonsen Decl.”) ¶¶ 1-15. Motions seeking to  
 11 obscure the identity of a party’s employees require more. In *Cross v. Cent. Contra Costa Transit*  
 12 *Auth.*, 2024 WL 3658045, at \*1 (N.D. Cal. July 22, 2024), the court held that personal identifying  
 13 information (such as email addresses and driver’s license numbers) could be redacted,<sup>2</sup> but names  
 14 (and nonresidential addresses) could *not* be. In *Apple Inc. v. Samsung Elecs. Co.*, 2012 WL  
 15 4120541, at \*2 (N.D. Cal. Sept. 18, 2012), the Court declined to seal the “names of deposed Apple  
 16 employees” and the names of “employees who worked on Apple’s product development”—even  
 17 when applying the less demanding standard that applies to the sealing of information in non-  
 18 dispositive motions.

19       Courts outside of the Ninth Circuit take a consistent approach. *E.g., Sjunde AP-Fonden v.*  
 20 *Goldman Sachs Group, Inc.*, 2024 WL 3551166, at \*2-3 (S.D.N.Y. July 25, 2024) (refusing to seal  
 21 employee names absent specific explanation why obscuring each name is necessary). In fact, in the  
 22 JCCP, Judge Kuhl recently ordered that names of lower-level employees previously sealed at the  
 23 demurrer stage should now be unsealed because “the public interest in disclosure now is greater  
 24 because the court is considering documents that may be the basis for an adjudication in this  
 25 litigation.” ECF 2529-6 at 3.<sup>3</sup> Judge Kuhl further ordered that “[i]f an employee has information

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26  
 27       <sup>2</sup> Belying Meta’s claim that the SD Plaintiffs did not meet and confer ahead of this motion, the SD  
 28 Plaintiffs have already stipulated that Meta may redact the personal contact information (e.g. email  
 addresses and phone numbers) for employees, former employees, and third parties. ECF 2532.

3       <sup>3</sup> Meta asks this Court to reject Judge Kuhl’s order in the JCCP. *See Motion to Seal* at 5 n.5. Meta’s

1 of such significance to this litigation that he or she has been deposed in the MDL or the JCCP,  
 2 either as a percipient witness or as a 30(b)(6) deponent, the balance of interests favors public  
 3 disclosure, and the names of such employees may not be shielded from public view.” *Id.* at 4. This  
 4 Court should take the same approach here. “[T]he greater the importance of an employee’s role in  
 5 connection with facts that are being litigated here, the greater the public interest in knowing the  
 6 identity of such persons.” *Id.* at 3.

7 Plaintiffs’ investigation has determined that, of the 142 names Meta seeks to obscure: a) 38  
 8 have been deposed in this MDL or related state AG actions, or have given testimony which has  
 9 been the subject of prior, public briefing (*see Declaration of Previn Warren (“Warren Decl.”)* at  
 10 ¶¶ 4-7); b) five are sufficiently senior to have verified discovery responses or held themselves out  
 11 publicly to be supervisors at Meta (*id.* at ¶¶ 8-10); c) five are authors of communications and other  
 12 documents directly relevant to liability issues in this case (*id.* at ¶¶ 11-13); and d) at least five are  
 13 the custodians of electronically stored documents produced by Meta totaling collectively over  
 14 200,000 documents (*Id.* at ¶ 15). These facts undermine Meta’s unsupported claims that its  
 15 suggested redactions are proper for at least 53 of the individuals it identifies. (*Id.* at ¶ 16). *See,*  
 16 *e.g., WhatsApp Inc. v. NSO Grp. Techs. Ltd.*, 2025 WL 2308088, at \*2 (N.D. Cal. Aug. 11, 2025)  
 17 (only allowing limited redactions to the names of non-testifying employees); *Rushing v. Williams-*  
 18 *Sonoma, Inc.*, 2024 WL 779601, at \*19 (N.D. Cal. Feb. 21, 2024) (denying motion to seal names  
 19 of high-level employees and employees in relevant departments). Given Meta’s failure to  
 20 substantiate its claims as to the remaining employee names—indeed, given the fact that at least one  
 21 name appears not to be of an employee at all, but rather of a celebrity musician, *see* Warren Decl.  
 22 ¶ 14—those too should be unsealed. It is Meta’s burden to justify restricting public access, not  
 23 Plaintiffs’ burden to oppose a sealing request.

24 Meta cites a number of cases that are factually distinguishable. Meta is not seeking to seal  
 25 nonparty employee personnel records or similar sensitive identifying information, which was at  
 26 issue in *Murphy v. Kavo Am. Corp.*, 2012 WL 1497489, at \*1 (N.D. Cal. Apr. 27, 2012). Nor is

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27 reasoning is that the first trial in the JCCP is imminent while the first trial in the MDL is still months  
 28 away. This is not persuasive. This case is at the summary judgment stage, which carries the same  
 “compelling reasons” standard as the trial stage. *Open Text S.A.*, 2014 WL 7368594, at \*1.

1 Meta seeking to seal sensitive identifying information contained in employee performance reviews,  
 2 the material at issue in *Hunt v. Cont'l Cas. Co.*, 2015 WL 5355398, at \*2 (N.D. Cal. Sept. 14, 2015).  
 3 In *Am. Auto. Ass'n of N. California, Nevada & Utah v. Gen. Motors LLC*, 2019 WL 1206748, at  
 4 \*2 (N.D. Cal. Mar. 14, 2019) and *Opperman v. Path, Inc.*, 2017 WL 1036652, at \*3 (N.D. Cal.  
 5 Mar. 17, 2017),<sup>4</sup> the court ordered names sealed because there were concerns about trade secrets  
 6 and proprietary business information being revealed. Here, Meta has not even attempted to make  
 7 such a showing.

8 Meta cites *Campbell v. Grounds*, 2022 WL 14151744, at \*1 (N.D. Cal. Oct. 24, 2022),  
 9 where the court ordered the name of a post-trial witness to be sealed to protect the individual's  
 10 safety. But, unlike here, that individual does not appear to have been a party employee. As  
 11 importantly, the proffer in *Campbell* was specific rather than relying on "hypothesis or  
 12 conjecture." *Open Text S.A.*, 2014 WL 7368594, at \*2. Here, Meta does not even mention safety  
 13 concerns in its attorney declaration, *see Simonsen Decl.*, ¶¶ 1-15, instead bootstrapping a  
 14 declaration filed several months ago that (necessarily) did not speak to any of the names or  
 15 documents presently at issue. *See ECF 1850-1* at 4-5. This is not enough. It is easy to gesticulate to  
 16 hypothetical safety concerns. It is much harder to substantiate those concerns with reference to  
 17 particular individuals named in the particular context of particular documents. The latter is required  
 18 to satisfy the "compelling reasons" standard.

19 Finally, Plaintiffs oppose the redaction of individual Facebook and Instagram account  
 20 names of its employees. The names of the accounts are publicly available, and Meta provides no  
 21 basis to justify sealing any particular individuals' social media handle in its motion or declaration.  
 22 *See Simonsen Decl.* ¶¶ 1-15.

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23 <sup>4</sup> Meta cites to a number of other cases in a passing footnote of its motion. *See Br.* 4 n.4. All are  
 24 distinguishable. In *Coleman v. Brown*, 2018 WL 5292744, at \*5 (E.D. Cal. Oct. 25, 2018), limited  
 25 redactions were approved in part because of a showing that the identified individuals may claim  
 26 whistleblower status or otherwise face serious ramifications. Meta has made no such showing here.  
 27 In *Zeiger v. WellPet LLC*, 526 F. Supp. 3d 652, 699 (N.D. Cal. 2021), the identifying information  
 28 of consumers (rather than employees) was at issue. Not so here. Finally, Meta points to ECF Nos.  
 189, 735, 1465, 1619, and 2522 to argue that sealing its employees' names is consistent with past  
 practice from this Court. But none of those instances involved a summary judgment motion and  
 therefore the high compelling reasons standard did not apply. All of the cited docket entries are  
 stipulations agreed upon by the parties at the pleading (or other non-dispositive) stage; Plaintiffs  
 have consistently stated they stipulated without waiving any arguments on this issue in the future.

1 Dated: December 17, 2025

Respectfully submitted,

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